

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

THE ESTATE OF CAROLYN PRICE,
by and through Howard Price, Duly
Appointed Executor of the Estate of
Carolyn Price,

Plaintiff,

:

Case No. 3:10-cv-360

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

THE MINNESOTA MUTUAL LIFE
INSURANCE COMPANY,

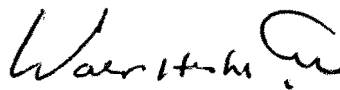
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #20), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 7, 2011, hereby ADOPTS said Report and Recommendations.

Accordingly, the Motion to Dismiss of Defendant The Minnesota Mutual Life Insurance Company is hereby GRANTED. Plaintiff's Complaint is DISMISSED with prejudice for failure to state a claim upon which relief can be granted.

January 11, 2011.



Walter Herbert Rice
United States District Judge